



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-405
Regulation title	Regulations for the Application of Fertilizer to Nonagricultural Lands
Action title	Amend regulations to incorporate new requirements mandated in Chapters 341 and 353 of the 2011 Acts of Assembly.
Final agency action date	December 8, 2011
Document preparation date	December 8, 2011

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The existing regulations establish training, certification, and recordkeeping requirements for licensees and contractor-applicators who apply fertilizer for commercial purposes to nonagricultural lands.

The 2011 General Assembly amended § 3.2-3602.1 of the fertilizer law (Virginia Code § 3.2-3600 et seq.) to extend the applicability of the regulations to employees, representatives, and agents of state agencies, localities, and other governmental entities who apply fertilizer to nonagricultural lands as part of their official duties. The 2011 General Assembly also amended § 3.2-3602.1 to require that the Board's regulations establish reporting requirements for certain fertilizer applications. Contractor-applicators and licensees who apply lawn fertilizer and lawn maintenance fertilizer to more than a total of 100 acres of nonagricultural lands annually and employees, representatives, or agents of state agencies, localities, or other governmental entities who apply lawn fertilizer and lawn maintenance

fertilizer to nonagricultural lands as part of their official duties shall submit an annual report on the location of such applications.

This exempt regulatory action amends the existing regulations to incorporate the requirements described above that were mandated by the 2011 General Assembly. This action further amends the existing regulations to include a definition for the following terms: lawn fertilizer, lawn maintenance fertilizer, public sector applicator, and turf.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On December 8, 2011, the Board of Agriculture and Consumer Services authorized staff to take all actions necessary to amend 2 VAC 5-405, *Regulations for the Application of Fertilizer to Nonagricultural Lands*, via the exempt regulatory action process.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action has no impact on the institution of the family and family stability.